



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147

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**LETTER OF DEFICIENCY
WET 2004-55**



September 23, 2004

Southwatch Realty Trust
Attn: Leonard D'Orlando
37 Grey Lane
Lynnfield, MA 01940

RE: DES Wetlands File #2000-01389, 67 Shore Road, Gilford Tax Map 217, Lot 88

Dear Mr. D'Orlando:

This letter is to inform you that on August 27, 2004 New Hampshire Department of Environmental Services (DES) Wetlands Bureau personnel inspected work that was conducted under DES Wetlands and Non-Site Specific Permit # 2000-1389 (the "Permit"). The Permit authorized the following impacts in accordance with plans by Watermark Navigation Systems LLC dated 11/18/00, as received by the Department on Nov. 20, 2000 (the "Plans"):

1. Excavate a 250 sq. ft. semicircular area behind the existing stone wall along the shoreline for the construction of a 20 ft. by 10 ft. perched beach with two one-foot wide stone retaining walls stepped into the grade behind the beach, a 6 ft. wide stepped access to the water and a 5 ft by 10 ft. walkway to the existing 6 ft 3 in by 36 ft 3 in pier.
2. Temporarily impact a 3 ft. by 30 ft. area of the lakebed for the replacement of the household water supply line, on 100 ft. of shoreline frontage on Lake Winnepesaukee.

The inspection revealed that the work done on the site is not in compliance with the Permit. During the inspection DES personnel observed the following deficiencies:

1. Three retaining walls are stepped into the grade behind the beach. The Plans show two retaining walls stepped into the grade behind the beach. The terraced areas between the retaining walls are filled with gravel.
2. A 42 sq ft bluestone patio is installed approximately 12' from normal high water between the landward retaining wall for the beach and the next stepped retaining wall.

In response, you are requested to take the following action:

1. By October 1st, 2004, please remove bluestone patio and gravel and stabilize the terraced areas between the retaining walls with vegetation.
2. By October 15th, 2004, please submit as as-built plan of the retaining walls and beach and photographs documenting restoration of the terraced areas to DES.

RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in

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RSA 482-A, the New Hampshire Wetlands Law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit.

RSA 483-B, CSPA, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establishes minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A and RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

D. Forst
Shoreland Program Supervisor
DES Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0893

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Gilford Conservation Commission
Gilford Board of Selectmen
US Army Corps of Engineers